

## **RULE 132**

**(As Amended March 12, 2003)**

### **GUIDELINE SENTENCING**

#### **(a) Time for Filing Objections to Presentence Report**

Unless otherwise ordered by the Court, the probation officer shall, not more than 42 calendar days after the verdict or finding of guilt, disclose the presentence report (PSR) to both counsel and to the defendant. Any objections either counsel or the defendant may have as to any material information, sentencing classification, sentencing guideline ranges or policy statements contained in or omitted from the report shall be made in writing to the probation officer within 14 days after receipt of the report.

#### **(b) Submission of Revised Presentence Report**

Within 14 calendar days of receiving any objections, the probation officer shall conduct any further investigation and make any revisions to the PSR that may be necessary and shall submit the PSR to the sentencing judge and to counsel for both parties and the defendant. The PSR shall include an addendum setting forth any objections counsel may have, together with the officer's comments thereon.

#### **(c) Presentence Conference**

Upon receipt of the PSR the Court may schedule a presentence conference with all counsel and the probation officer present and with the defendant if proceeding pro se. Any such conference shall be conducted upon the record but not transcribed except on specific request of counsel, for discussion of the application of the Guidelines to the case and for identification of all remaining contested issues.

#### **(d) Disputed Issues**

Except with regard to any unresolved objection made under subsection (a), the PSR may be accepted by the Court as accurate. The Court, however, for good cause shown, may allow objection to be raised at any time before the imposition of sentence.

**(e) Modification of Time Limits**

The times set forth in this rule may be modified by the court for good cause shown, except that the 14 day period set forth in subsection (a) may be diminished only with consent of the defendant.

**(f) Disclosure**

Nothing in this rule requires the disclosure of any portions of the PSR that is not disclosable under Fed. R. Crim. Proc. 32. The recommendations of the probation officer as to the sentence to be imposed shall not be disclosed without the Court's permission.

The PSR shall be deemed to have been disclosed to counsel and the defendant (1) when a copy of the report is physically delivered, (2) one day after oral communication of the availability of the report for inspection, or (3) three days after a copy of the report or written notice of its availability is mailed, whichever is earlier.